

## APPENDIX C

)

### **Subcommittee on Secure Leave:**

#### **Report on Local Rules affecting the implementation of Rule 26 of the Rules of General Practice**

Rule 26 of the North Carolina Rules of General Practice in Superior and District Courts (hereinafter "Rule 26") allows an attorney to designate periods of "secure leave" during which "the Superior and District courts may not hold a proceeding in any case in which that attorney is an attorney of record."

Though Rule 26 is applicable state-wide, many of the state's judicial districts have adopted local rules that affect the implementation of Rule 26. In the main, these local rules are procedural. They mandate slight departures from Rule 26's notice procedures, the use of local standard forms, and the like.

There are, however, a few districts that have adopted local rules that augment the substance of Rule 26. In District 20A, for example, in addition to traditional secure leave, the district court division allows attorneys to designate protected leave for Continuing Legal Education. As noted, these substantive additions always augment, never detract. Rule 26 remains the floor in each of North Carolina's judicial districts.

What follows is a brief state-wide survey of local rules that impact the implementation of Rule 26. The survey is organized numerically by superior court district. Relevant local rules are summarized, and reference is made to an appendix that contains the text of the rule, along with (where applicable) local secure leave notice forms. Where no relevant local rule exists, the absence is noted.

#### **District 1 (Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans)**

The local rules for District 1 contain no provision that specifically addresses secure leave.

#### **District 2 (Beaufort, Hyde, Martin, Tyrrell, Washington)**

The local rules for District 2 contain no provision that specifically addresses secure leave.

#### **District 3A (Pitt)**

The local rules for District 3A contain no provision that specifically addresses secure leave.

**District 3B (Carteret, Craven, Pamlico)**

The local rules for District 3B contain no provision that specifically addresses secure leave.

**District 4 (Duplin, Jones, Onslow, Sampson)**

The local rules for District 4 contain no provision that specifically addresses secure leave.

**District 5 (New Hanover, Pender)**

The local rules for District 5 contain no provision that specifically addresses secure leave.

**District 6A (Halifax)**

*Domestic Court* – Rule 26 is codified as the vacation policy of District 6A's Domestic Court at Rule 1.6 of the Local Rules for Family Court. Rule 1.6 supplements Rule 26's notice requirements by mandating that "a copy of any correspondence or schedule indicating secured leave" be provided to the Family Court Administrator for District 6A.

See Appendix A – Rule 1.6 of District 6A's Local Rules for Family Court

**District 6B (Bertie, Hertford, Northampton)**

The local rules for District 6B contain no provision that specifically addresses secure leave.

**District 7 (Superior Court Districts 7A (Nash), 7B (portions of Edgecombe & Wilson), and 7C (the balance of Edgecombe and Wilson))**

Though Nash, Edgecombe, and Wilson counties account for three superior court districts, they constitute a single district for district court purposes. For that reason, and because Districts 7A, 7B, and 7C have adopted the same vacation policy, in the discussion that follows, 7A, 7B, and 7C are referred to collectively as "District 7."

District 7 has adopted Rule 26 as its vacation policy. As with most of the districts discussed supra, District 7's vacation policy includes notice requirements tailored to the administrative infrastructure of the district. An attorney must designate vacation by filing a letter listing their leave period(s) with the Clerk of Superior Court. The attorney must thereafter provide a file-stamped copy of their designation letter to the offices of the Senior Resident Superior Court Judges for Districts 7A-7C, the Chief District Court Judge for District 7, and the District Attorney.

District 7's vacation policy authorizes the court to the 90-day notice period under extraordinary circumstances.

#### **Appendix B – District 7 Vacation Policy**

#### **District 8A (Green, Lenoir)**

District 8A has no local rule on point. It does, however, have a standard form that attorneys who practice in the district must use to designate secure leave. An attorney designating secure leave is instructed to file a copy of the notice with the Senior Resident, the Clerk of Superior Court, and the District Attorney.

#### **Appendix C - District 8A Notice of Secure Leave**

#### **District 8B (Wayne)**

The local rules for District 8B contain no provision that specifically addresses secure leave.

#### **District 9 (Franklin, Granville, Person, Vance, Warren)**

The local rules for District 9 contain no provision that specifically addresses secure leave.

#### **District 10 (Wake)**

*Civil Superior Court* – under Rule 16.0 of the Local Rules for Civil Superior Court, attorneys with cases pending in Wake County Civil Superior Court who wish to designate secure leave must submit their notice of designation to the Wake County Trial Court Administrator's Office. Upon receipt of an attorney's notice of secure leave, the leave period is entered into a database

used by the TCA's Office to track periods of secure leave.<sup>1</sup> Rule 16.0 empowers the court to waive the 90-day notice period under extraordinary circumstances.

*Civil District Court* – Rule 15.0 of the Rules of Civil District Court addresses secure leave in much the same way as Rule 16.0 of the Rules of Civil Superior Court does.

*Domestic Court* – Rule 1.4(b) of District 10's Family Court rules requires that domestic practitioners file notice of secure leave with the Wake County Family Court Office.

**Appendix D** – District 10 Rules of Civil Superior Court, Rule 16.0; Rules of Civil District Court, Rule 15.0; Family Court Rules, Rule 1.4(b)

#### **District 11A (Harnett, Lee)**

District 11A has no local rule on point, though it does have a standard form notice of "secured" leave for use in both superior and district court. An attorney who wishes to designate secure leave must serve a copy of the notice on the Senior Residents, Chief District Court Judges, Clerks of Superior Court, and District Attorneys of Harnett and Lee Counties.

*See also:* **Appendix E** - District 11A Secured Leave Notice

#### **District 11B (Johnston)**

*See:* District 11A

#### **District 12 (Cumberland)**

*Civil District Court* - Rule 15 of the District Court Civil Case Management Plan requires attorneys designating secure leave to submit their notice on local form CCLF-A-001 prepared and distributed by the 12<sup>th</sup> District's Trial Court Administrator's Office. Per form CCLF-A-001: for civil cases in which an attorney has made an appearance of record, notice must be served upon the TCA's Office. For criminal cases, notice must be served upon the TCA's Office *and* the District Attorney's Office. And for domestic and juvenile cases, notice must be served upon the Family Court Director's Office.

---

<sup>1</sup> Though there is no local rule governing secure leave in criminal superior court, your author knows from personal experience that the administrative assistant who schedules trials in criminal superior court includes periods of secure leave properly noticed by members of the defense bar on her master calendar, and that such leave periods are taken into account by the Wake County District Attorney's office when setting cases for trial in superior court.

Rule 15 also contains a provision authorizing the court to waive the 90-day notice period under extraordinary circumstances.

**Appendix F** – District Court Civil Case Management Plan; Local Secure Leave Form CCLF-A-001

**District 13A (Bladen, Columbus)**

The local rules for District 13A contain no provision that specifically addresses secure leave.

**District 13B (Brunswick)**

The local rules for District 13B contain no provision that specifically addresses secure leave.

**District 14 (Durham)**

*District Court* - Rule 1.17 of the District Court Division Rules codifies Rule 26 as the district court division's vacation policy and directs attorneys to the General Rules of Practice

*Domestic Court* – under Rule 1.11 of District 14's Domestic Court Rules, domestic practitioners in District 14 must file notice of secure leave with the District's Family Court Office. The Family Court Office enters all properly filed notices of secure leave on the Family Court master calendar and, in theory, makes sure that matters for which an attorney has made an appearance of record are not scheduled during the attorney's designated secure leave period.

**Appendix G** - District Court Division Rules, Rule 1.17; District Domestic Court Rules, 1.11

**District 15A (Alamance)**

The local rules for District 15A contain no provision that specifically addresses secure leave.

**District 15B (Chatham, Orange)**

*Civil Superior Court* – Rule 25 of District 15B's Rules for Civil Superior Court adopts Rule 26 as the district's vacation policy. Under Rule 25, attorneys must file notice of secure leave with the Clerks of Superior Court in Orange and Chatham Counties. Attorneys must also file notice with the Senior Resident Superior and Chief District Court Judges.

*Criminal Superior Court* – Rule 18 of District 15B's Local Rules for Criminal Superior Court essentially mirrors Rule 25 of the District's Rules for Civil Superior Court. In addition to serving the entities referenced in the Civil Rules, Rule 18 requires that criminal practitioners serve notice of secure leave upon the District Attorney.

**Appendix H** - Rules for Civil Superior Court, Rule 25; Local Rules for Criminal Superior Court, Rule 18

**District 16A (Anson, Richmond, Scotland)**

The local rules for District 16A contain no provision that specifically addresses secure leave.

**District 16B (Robeson)**

*Civil Superior Court* - Rule 32 of the Local Rules of Civil Procedure provides that secure leave periods for attorneys practicing in District 16B shall be governed by Rule 26. Additionally, under Rule 32, the court is authorized to waive the 90-day notice period in extraordinary circumstances.

**Appendix I** - Local Rules of Civil Procedure, Rule 32

**District 17A (Caswell, Rockingham)**

The local rules for District 17A contain no provision that specifically addresses secure leave.

**District 17B (Stokes, Surry)**

The local rules for District 17B contain no provision that specifically addresses secure leave.

**District 18 (Guilford)**

The local rules for District 17B contain no provision that specifically addresses secure leave.

**District 19A (Cabarrus)**

*Civil Superior Court* - Rule 12.7 of the Case Management Plan for Civil Superior Court Cases directs attorneys to submit notice of secure leave to the Clerk of Superior Court. Notices filed with the Clerk are forwarded by the Clerk to District 19A's Trial Court Coordinator.

As with several other districts, District 19A has its own secure leave form.

**Appendix J** - Case Management Plan for Civil Superior Court Cases, Rule 12.7; Secure Leave Form

**District 19B (Randolph)**

The local rules for District 17B contain no provision that specifically addresses secure leave.

**District 19C (Rowan)**

*District Court* - Rule 11.5 of the Local Rules for District Court requires that attorneys file notice of secure leave with the office of the Chief District Court Judge 90 days in advance of the leave period.

**Appendix K** - Local Rules for District Court, Rule 11.5

**District 19D (Hoke, Moore)**

*Civil Superior Court* - Rule 1.11 of the Court Rules and Case Management Plan for Civil Superior Court adopts Rule 26 as the superior court division's vacation policy.

**Appendix L** - Court Rules and Case Management Plan for Civil Superior Court, Rule 1.11



**District 20A (Montgomery, Stanly)**

*Civil Superior Court* - Rule 20 of the Case Management Plan for Superior Civil Cases adopts Rule 26 as the vacation policy for District 20A.

*District Court* – In addition to secure leave, attorneys practicing in District 20A's district courts are allowed to designate time away from court for Continuing Legal Education. The court has its own secure leave form practitioners must file with the appropriate court entity.

**Appendix M** - Case Management Plan for Superior Civil Cases, Rule 20; Notice of Secure Leave/CLE form.

**District 20B (Union)**

*Civil Superior Court* -Rule 19 of the Case Management Plan for Superior Civil Cases adopts Rule 26 as the vacation policy for District 20B.

**Appendix N** - Case Management Plan for Superior Civil Cases, Rule 19

**District 21 (Forsyth)**

The local rules for District 21 contain no provision that specifically addresses secure leave.

**District 22A (Alexander, Iredell)**

*Civil Superior Court* - Under Rule 20 of the Local Rules of Practice for Civil Superior Court Cases, attorneys are required to file notice of secure leave with the Trial Court Coordinator and the District Attorney. The Trial Court Coordinator maintains a record of when notices of secure leave are received and of the periods of leave secured. Additionally, Rule 20 authorized the court to waive the 90-day notice period under extraordinary circumstances.

**Appendix O** - Local Rules of Practice for Civil Superior Court Cases, Rule 20

**District 22B (Davidson, Davie)**

The local rules for District 2B contain no provision that specifically addresses secure leave.

**District 23 (Alleghany, Ashe, Wilkes)**

The local rules for District 23 contain no provision that specifically addresses secure leave.

**District 24 (Avery, Madison, Mitchell, Watauga, Yancey)**

The local rules for District 24 contain no provision that specifically addresses secure leave.

**District 25A (Burke, Caldwell)**

The local rules for District 25A contain no provision that specifically addresses secure leave.

**District 25B (Catawba)**

The local rules for District 25B contain no provision that specifically addresses secure leave.

**District 26 (Mecklenburg)**

*Civil District Court* – Rule 23 of the General Civil Rules for District Court requires that attorneys submit notice of secure leave on a standardized form to the Case flow Management Division of the Trial Court Administrator's office. Once received by the Case-flow Management Division, notices are stamped "Received" and the leave period is entered into a database maintained by the Trial Court Administrator's office.

Rule 23 is very specific about the "when" of submission of notice of secure leave. An attorney must submit notice of secure leave "no sooner or no later than" 90 days before the designated leave period begins.

Additionally, Rule 23 contains a provision which suggests that the court should make every effort to accommodate attorneys in their observance of religious holidays.

District 26's district court maintains its own local secure leave form.

**Appendix P - Civil District Court Rules, Rule 23; Local Form CCF27**

**District 27A (Gaston)**

The local rules for District 27A contain no provision that specifically addresses secure leave.

**District 27B (Cleveland, Lincoln)**

The local rules for District 27B contain no provision that specifically addresses secure leave.

**District 28 (Buncombe)**

*Domestic Court* - Rule 3.2 of the District Family Court Domestic Rules adopts Rule 26 as the vacation policy in the district's Family Court.

**Appendix Q** - District Family Court Domestic Rules, Rule 3.2

**District 29A (McDowell, Rutherford)**

The local rules for District 29A contain no provision that specifically addresses secure leave.

**District 29B (Henderson, Polk, Transylvania)**

Rule 1.4 of the local Rules of Civil Procedure adopts Rule 26 as the vacation policy of District 29B. In a novel turn not found in any other district, Rule 1.4 extends the provisions of Rule 26 to *pro se* litigants.

Additionally, noting that under the local rules, cases are frequently calendared for trial as much as a year in advance, attorneys are advised to notify the Trial Court Coordinator if a trial date conflicts with a potential leave period "so reasonable accommodations can be made."

**Appendix R** - Local Rules of Civil Procedure, Rule 1.4

**District 30A (Cherokee, Clay, Graham, Macon, Swain)**

The local rules for District 30A contain no provision that specifically addresses secure leave.

**District 30B (Haywood, Jackson)**

*Civil Superior Court* - Rule 28 of the Local Rules for Civil Superior Court codifies Rule 26 the vacation policy for District 30B. Attorneys are directed to submit notice of secure leave to the Senior Resident Superior Court Judge and Chief District Court Judge in each county in which they practice.

**Appendix S** - Local Rules for Civil Superior Court, Rule 28

# APPENDIX A:

District 6A

Local Rules for Family Court, Rule 1.6

# SECTION I

## RULES OF DOMESTIC COURT

### RULE 1: GENERAL RULES

- 1.1 **Purpose.** The purpose of these rules is to provide for the fair, just, and timely resolution of family domestic matters in the District Court Division of the 6A Judicial District, Halifax County, in compliance with Rule 40(a), North Carolina Rules of Civil Procedure, and Rule 2(a), General Rules of Practice for Superior and District Courts.
- 1.2 **Application.** It is recognized that these rules are not complete in every detail and will not cover every situation that may arise. In the event that these rules fail to address a specific matter, they should be construed in such a manner as to avoid technical or unnecessary delay and to promote the ends of justice. The Family Court Staff are authorized to act in their discretion subject to consultation with the Chief District Court Judge or Family Court Administrator.
- 1.3 **Forms.** Except as specified herein, where forms are specified to be used by these rules, counsel or pro se parties may use either the forms provided or a form of their own which substantially corresponds to the specified court form.
- 1.4 **Citation.** These rules and all amendments hereafter shall be filed with the Clerk of Superior Court in the 6A Judicial District and may be cited accordingly as Family Court Domestic Rules 6A Judicial District (6AFCDR).
- 1.5 **Availability of Rules.** The Office of the Chief District Court Judge shall distribute a copy of these rules and any subsequent amendments to each member of the Bar of the 6A Judicial District. The Family Court Administrator shall maintain (1) a paper supply of rules and associated forms to be furnished to attorneys and the public upon request or (2) provide the web address for obtaining such rules and forms.
- 1.6 **Vacation Policy.** The vacation policy of the 6A Judicial District Family Court for members of the Bar shall be the same policy as established by Rule 26 of the General Rules of Practice for the Superior and District Courts adopted by the N.C. Supreme Court on May 6, 1999. A copy of any correspondence or schedule indicating secured leave should be provided to the Family Court Administrator. This policy was adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the bar as well as the quality of life of members of the profession and their families and the policy was adopted for that purpose.

## APPENDIX B:

District 7 (7A, 7B, & 7C)

District 7 Vacation Policy

## 7<sup>TH</sup> JUDICIAL DISTRICT VACATION POLICY

The following policy shall apply in the 7<sup>th</sup> Judicial District.

1. An attorney may designate three weeks each calendar year as vacation during which that attorney will not be required to appear before tribunals of the 7<sup>th</sup> Judicial District.
2. If the attorney designates such times, either consecutively or at intervals, 90 days or more in advance of such vacation, and no trial or other matter has already been set by a Presiding Judge, the attorney will be assured of having the vacation period.
3. An attorney has an obligation to be ready for the trial of any criminal district court case preceding the designated vacation period if the case will exceed the six month mark under the District Court Continuance Policy during the designated vacation.
4. An attorney may designate vacation by filing a letter listing such weeks in the offices of the Clerk of Superior Court of the 7<sup>th</sup> District and providing a file-stamped copy to the offices of the Senior Resident Judges, District Attorney, and Chief District Court Judge. A "filed" copy shall be retained by the attorney and provided to judges and opposing counsel as needed.
5. The policy and procedures described herein are not exclusive. In extraordinary circumstances, time limitations may be waived by the court and attorneys may make other requests to be excused from appearing before a tribunal for personal and other reasons.

This policy is adopted in recognition of the need for time away from the demands of professional responsibilities and to improve the overall professional performance of the bar as well as the quality of life of members of the profession and their families.

Adopted this 14<sup>th</sup> day of September, 1998.

Quentin T. Sumner  
Senior Resident Superior Court Judge  
Superior Court District 7A

Frank Brown  
Senior Resident Superior Court Judge  
Superior Court 7B/C

Albert S. Thomas  
Chief District Court Judge  
7<sup>th</sup> Judicial District



APPENDIX C:

District 8A  
Notice of Secure Leave Form

STATE OF NORTH CAROLINA COUNTY OF _____	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION  FILE NO.: _____
Attorney: _____ Address: _____ Telephone No.: _____	<b>NOTICE OF SECURE LEAVE</b>  (Superior Court District 8A – Greene & Lenoir Counties) <small>Rule 26 – General Rules of Practice for the Superior and District Courts; Rule 33A – North Carolina Rules of Appellate Procedure</small>
<i>Secure Leave shall consist of one or more calendared weeks, but in any event shall not consist of more than three (3) calendared weeks during any calendar year.</i>	
<b>STATEMENT OF ATTORNEY</b>	
I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.	
I further certify that no action or proceeding in which I have entered an appearance has been scheduled, peremptorily set or noticed for trial, hearing, deposition or other proceeding during the designated secure leave period.	
<b>DESIGNATED SECURE DATES</b>	
Beginning Date:	Ending Date:
<i>Indicate any previously designated Secure Leave periods during the calendar year that have previously been designated pursuant to Rule 26 of the General Rules of Practice and Rule 33A of the Rules of Appellate Procedure.</i>	
Beginning Date:	Ending Date:
<i>This Notice of Secure Leave must be filed <u>not later than ninety (90) days</u> before the beginning of the secure leave period and before any trial, hearing, deposition or other regularly scheduled matter is peremptorily set or noticed for a time during the designated leave period.</i>	
Date:	Attorney Signature:
<b>CERTIFICATE OF SERVICE:</b>	
<i>This Notice of Secure Leave must be filed in each of the following offices if the attorney has entered an appearance of record in any case in either <u>Greene and/or Lenoir Counties</u>:</i>	
<input type="checkbox"/> Senior Resident Superior Court Judge (fax 252-520-5421 or email to amy.c.scott@nccourts.org)	
<input type="checkbox"/> Clerk of Superior Court	
<input type="checkbox"/> District Attorney (for criminal cases)	
<b>NOTICE TO ATTORNEY:</b> <i>Should any matter be set during your Secure Leave period, you are required to serve notice on the official calendaring the matter and the parties of record to the matter. This notice shall contain the following: (1) copy of this form, (2) case name and number, and (3) certificate of service.</i>	

## APPENDIX D:

District 10

Local Rules of Civil Superior Court, Rule 16;

Rules of Civil District Court, Rule 15;

Family Court Rules, Rule 1.4(b)

actions and actions in which a party is seeking the issuance of an extraordinary writ. Requests to dispense with mediation are generally disfavored and may only be granted by the Senior Resident Superior Court Judge.

- 15.3 **Mediation Deadlines and Extensions** The deadline for the mediated settlement conference will appear in the Case Management Order and will normally be 60 days prior to the trial date. Short extensions of the deadline may be allowed so long as the trial date is not affected. The parties may submit a proposed stipulated order in lieu of a motion to continue for consideration by the Senior Resident Superior Court Judge to extend the mediation deadline. Parties may use Local Form 4 for this purpose.
- 15.4 **Designation of Mediator** Parties are encouraged to timely select a mediator for their case. The Designation of Mediator form shall be filed with the Clerk of Superior Court and a copy sent to the Trial Court Administrator's office. Parties are encouraged to consider the availability and schedule of the mediator during the selection process. Scheduling conflicts concerning the mediated settlement conference will not serve as a basis to continue trial. If the parties are unable to agree upon the selection of a mediator, the Trial Court Administrator will designate a mediator from the list of court approved mediators. This designation will appear in the Case Management Order. Once a mediator has been appointed, motions to substitute will only be allowed if the designated mediator has a conflict, is otherwise unable to mediate the case or for good cause shown. Substitutions must be authorized by the Senior Resident Superior Court Judge.

#### 16.0 DESIGNATION OF SECURE LEAVE

- 16.1 Pursuant to Rule 26 of the General Rules of Practice for the Superior and District Courts, attorneys may designate periods of Secure Leave. Attorneys appearing in cases pending before the civil Superior Court of Wake County must submit their Notice of Secure Leave to the Trial Court Administrator.
- 16.2 Notice of Secure Leave shall be sent to the following address:

Trial Court Administrator's Office  
Post Office Box 1916  
Raleigh, North Carolina 27602  
ATTN: SECURE LEAVE

- 16.3 Secure leave designations are not filed in the court files and should not contain a case number. The Trial Court Administrator will enter the information into a database used to track periods of Secure Leave.
- 16.4 The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

## **RULE 14. SERVICE OF NOTICE**

- 14.1 Notice to or by the Trial Court Administrator shall be accomplished by one of the following methods:
- a. U.S. Mail;
  - b. Facsimile;
  - c. Hand Delivery;
  - d. Courthouse attorney mailbox.
- 14.2 Providing Notice to the Clerk of Superior Court does not constitute providing Notice to the Trial Court Administrator.
- 14.3 Service shall be defined as service to all attorneys of record as well as unrepresented parties proceeding pro se.

## **RULE 15. SECURED LEAVE**

- 15.1 When submitting a Secure Leave for General Civil Court cases, the Secure Leave shall be submitted on local form CCLF-A-001 as prepared and distributed by the Trial Court Administrator's Office. This form can be found at:  
(<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Default.asp>)

The form shall be sent to the following address:

Cumberland County Courthouse  
Attention: Trial Court Administrator  
PO Box 363  
Fayetteville, NC 28302

All other elements to Rule 26 of the General Rules of Practice for the Superior and District Courts Supplemental to the Rules of Civil Procedure shall be followed by the submitting party.

## **RULE 16. SERVICEMEMBERS CIVIL RELIEF ACT**

- 16.1 All applicable provisions of 50 U.S.C. Ch. 50 §§ 3901-4043 must be complied with in all cases filed in Civil District Court. Failing to comply with these provisions may lead to unnecessary delay.
- 16.2 An Affidavit of Military Service shall be filed before any party asks the Court for any type of relief from the Court. Local Form CCLF-A-002 can be found at:  
<http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Documents/1925.pdf>

1.4 Responsibilities of Attorneys:

a) **Contact Information.** Attorneys must keep the Family Court Office informed of any and all changes in their mailing addresses, e-mail addresses, telephone numbers, and fax numbers.

b) **Secured Leave Policy.** Pursuant to Rule 26 of the North Carolina General Rules of Practice for Superior and District Courts ("N.C. R. Super. & Dist. Cts."), any attorney may from time to time designate and enjoy one or more secure leave periods each year as provided herein. The following procedure supplements N.C. R. Super. & Dist. Cts., Rule 26 requirements for attorneys appearing in cases pending in the Domestic Courts of Wake County District Court:

(1) The Notice of Secure Leave that is required to be submitted to the Court by N.C. R. Super. & Dist. Cts., Rule 26 must also be submitted to the Wake County Family Court Office at the following mailing address or may be submitted via facsimile at the following telephone number:

Wake County Family Court  
Attn: Secured Leave  
P.O. Box 351  
Raleigh, NC 27602

Fax: (919) 792-4876

(2) As provided in Rule 26 of the North Carolina Rules of Practice for Superior and District Courts, a secure leave period shall consist of one or more complete calendar weeks. During any calendar year, an attorney's secure leave periods shall not exceed, in the aggregate, three calendar weeks.

(3) A Notice of Secured Leave is not filed with the Court and should not contain a file name or caption number.

(4) Designation of secure leave vacation time does not apply if a trial or other matter has already been set on a Domestic Calendar.

(5) The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

1.5 **Use of Forms:** Local forms for use by counsel/*pro se* litigants in accordance with these Rules are subject to change as legislation and/or policy dictates. Except as specified herein, where local forms are specified to be used by these Rules, counsel or *pro se*

APPENDIX E:

District 11A, 11B  
Secured Leave Notice

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice

☐ District ☐ Superior Court Division

Attorney

State Bar No.

Address

Telephone number

Email

## SECURED LEAVE NOTICE

Rule 26 of the General Rules of Practice  
for the Superior and District Courts

### STATEMENT OF ATTORNEY

I hereby certify that the secured leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.

I further certify that no action or proceeding in which I have entered an appearance has been scheduled peremptorily or noticed for trial, hearing, deposition or other proceeding during the designated leave period.

### DESIGNATED SECURED DATES

Week 1

Week 2

Week 3

Family Leave within 24 weeks of birth or adoption

Indicate any previously designed Secured Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 of the General Rules of Practice for the Superior and District Courts.

Week 1

Week 2

Previous # of Family Leave Periods

This Secured Leave notification must be served no later than ninety (90) days before the beginning of the secured leave period and before any trial, hearing, deposition or other regularly scheduled matter, peremptorily set or noticed for a time during the designated leave period.

The attorney of record must serve a copy of this form to District Attorney (if criminal), Chief District Court Judge (if in DC), Senior Resident Superior Court Judge (if in SC), and Clerk of Superior Court.

### CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this Notice upon the following persons by EMAILING or FAXING a copy to their business office:

- ☐ Senior Resident Superior Court Judge (Johnston) [D11.SecuredLeave@nccourts.org](mailto:D11.SecuredLeave@nccourts.org)
- ☐ Senior Resident Superior Court Judge (Harnett and Lee) [D11.SecuredLeave@nccourts.org](mailto:D11.SecuredLeave@nccourts.org)
- ☐ Chief District Court Judge [D11.SecuredLeave@nccourts.org](mailto:D11.SecuredLeave@nccourts.org)
- ☐ District Attorney (Johnston) [Johnston.DA@nccourts.org](mailto:Johnston.DA@nccourts.org)
- ☐ District Attorney (Harnett and Lee)
- ☐ Clerk of Superior Court (Johnston)
- ☐ Clerk of Superior Court (Harnett)
- ☐ Clerk of Superior Court (Lee)

Date

Signature

**NOTICE TO ATTORNEY:** Should any matter be set during your Secured Leave Period, you are required to serve notice on the official specified in Rule 26(e) of the General Rules of Practice for the Superior and District Courts and the parties of record in the matter. This notice shall contain the following: (1) a copy of this form, (2) case name and number and (3) certificate of service.



## APPENDIX F:

District 12

District Court Civil Case Management Plan, Rule 15;  
Local Form CCLF-A-001

be filed and scheduled for hearing in accordance with Rule 3.2 herein so that the motion is heard at least two (2) weeks prior to the scheduled arbitration hearing date.

**14.5 Informal Stay of Case.** Once an arbitration award has been entered, the District Court judge shall not conduct any hearings in the case and the Trial Court Administrator shall not schedule any hearings in a case unless a demand for trial de novo is timely filed.

**14.6 Inactive Orders.** Before the Court will consider a motion seeking Inactive Order in a case that has been selected for arbitration, the plaintiff must file a motion seeking to have the case placed on inactive status, and the parties must agree to waive arbitration in the event the case is returned to active status.

#### **15.0 DESIGNATION OF SECURE LEAVE**

**15.1 Generally.** Pursuant to Rule 26 of the General Rules of Practice, attorneys may from time to time designate and enjoy one or more secure leave periods each year as provided herein. The following procedure supplements the requirement of Rule 26 of the General Rules of Practice for attorneys appearing in cases pending before the civil District Court of Wake County.

**15.2 Submission of Notice.** The Notice of Secure Leave that is required to be submitted to the Court pursuant to Rule 26 must be submitted to the Trial Court Administrator at the following address or may be submitted via facsimile at the following telephone number.

Trial Court Administrator's Office  
Post Office Box 1916  
Raleigh, North Carolina 27602  
ATTN: SECURE LEAVE

(919) 792-4951 (facsimile)  
ATTN: SECURE LEAVE

**15.3 No Filing with the Clerk.** Secure leave designations are not filed in the court files and should not contain a case number.

**15.4 Extraordinary Circumstances.** The policy and procedures described herein are not exclusive. In extraordinary circumstances the time limitations for notification of designated weeks may be waived by the court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the court for personal and professional reasons.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE

Attorney Name

Address

Telephone Number

State Bar Number

## SECURE LEAVE FORM

Rule 26: Rule 33A Rules of Appellate Procedure

Notice: Secure Leave shall consist of one or more calendared weeks, but in any event shall not consist of more than three (3) calendared weeks during any calendar year.

### Statement of Attorney

I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.

I further certify that no action or proceeding in which I have entered an appearance has been scheduled, peremptorily set or noticed for trial, hearing, deposition or other proceeding during the designated leave period.

### Designated Secure Leave Dates

Indicate the dates you are noticing as Secured Leave Dates

Monday

Beginning Date

Until Friday

Ending Date

### Prior Secure Leave Dates

Indicate any previously designated Secure Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 and Rule 33A of the Rules of Appellate Procedure:

Beginning Date

Ending Date

This secure leave Notification must be filed not later than thirty (30) days before the beginning of the secured leave period and before any trial, hearing deposition or other matter has been regularly scheduled, peremptorily set or noticed for a time during the designated secure leave period.

Date

Attorney Signature

This form is required to be filed in each of the following offices if the attorney has entered an appearance of record as follows:  
(please check the office filed)

- ☐ District Attorney [Criminal cases]  
☐ Clerk of Superior Court [Special Proceeding/Estate Cases]

- ☐ Trial Court Administrator [Criminal/Civil cases]  
☐ Family Court Director [Domestic/Juvenile cases]

**NOTICE TO ATTORNEY:** Should any matter be set during your Secure Leave Period, you should immediately contact the official who calendared the matter and all other parties of record. You are required to serve notice to the official calendaring the matter, and the parties of record to the matter. This Notice shall contain the following: (1) A copy of this form; (2) The case number and name of case set; and (3) A certificate of service.

CCLS-A-001  
Rev. 5/18

## APPENDIX G:

District 14

District Court Division Rules, Rule 1:17;

Domestic Court Rules, Rule 1.11

name designated as counsel of record. Attorneys who make their initial appearance in a case in court will have to fill out the form listed above.

1.15 No attorney who has entered an appearance in any civil action shall withdraw their appearance, or have it stricken from the record, except by order of the court, after proper notice to all parties, in accordance with Rule 16 of the General Rules of Practice for Superior and District Courts. Orders allowing counsel to withdraw from any civil action must contain a mailing address for the litigant whose attorney is requesting to withdraw. A copy of this order allowing withdrawal of counsel must be provided to the District Court Coordinator by the courtroom clerk or the clerk shall enter such address on the minutes.

1.16 Attorneys and pro-se litigants may use either the local forms provided or a form of their own, except where specific AOC forms are required. Proper use of all forms (including omissions or incorrect information) is the responsibility of the party submitting the form. Durham County local forms can be found online, along with AOC forms, at [www.nccourts.org](http://www.nccourts.org). Local forms are also available through the District Court Coordinator's office, and on a limited basis in the Civil Filings office of the Clerk of Superior Court. All information provided to the Court and to be filed with the Clerk of Superior Court shall comply with the Identity Theft Protection Act of 2005.

1.17 The attorney vacation policy of the 14<sup>th</sup> Judicial District Court shall be governed by Rule 26, Secured Leave Periods for Attorneys, of the General Rules of Practice for the Superior and District Courts N.C.G.S §7A-34.

1.18 All applicable provisions of the Service Members Civil Relief Act 50 U.S.C. Ch. 50 §§ 3901-4043 must be complied with when filing ALL cases in Civil District Court. This includes filing the Service members Civil Relief Act Affidavit (AOC form AOC-G-250). Failure to comply with these provisions may lead to unnecessary delay.

1.7 **Responsibilities of Attorneys and Self-Represented Parties.** Attorneys and self-represented parties must keep the Family Court staff informed at all times of any changes in their mailing addresses, email addresses, telephone numbers, and fax numbers. Failure to inform the Family Court office of a new address and telephone number will not be grounds to continue the case if notices are not received. Attorneys must subscribe to receive the domestic calendar directly via email through the subscription available at [nccourts.org](http://nccourts.org). The Family Court staff shall post the calendar on the website, and send emails with the calendar.

1.8 **Forms.** Where forms are specified to be used, counsel and parties shall use either the specified forms or a form that substantially corresponds with a specified court form. Forms can be found on the [nccourts.org](http://www.nccourts.org) website under the "Local Rules" heading at <http://www.nccourts.org/Courts/CRS/Policies/LocalRules/Default.asp>.

1.9 **Amendments.** These Rules and all amendments hereafter shall be filed with the Clerk of Superior Court in the 14th Judicial District and may be cited accordingly as Family Court Domestic Rules, 14th Judicial District (14FCDR). These Rules supersede and replace all previous local rules controlling actions in Domestic Court. The effective date of these Rules is set forth on the last page of these rules and apply for all existing and newly filed cases, as reasonably appropriate.

1.10 **Location of Rules.** The Rules and the forms cited are available for downloading from the North Carolina Administrative Office of the Courts website at <http://www.nccourts.org/Courts/CRS/Policies/LocalRules>. The Family Court staff will maintain a copy of these Rules, which will be furnished to any attorney or the public upon request.

1.11 **Secured Leave.** The vacation policy of the 14th Judicial District Family Court shall be governed by Rule 26: "Secure Leave Periods for Attorneys" of the General Rules of Practice for the Superior and District Courts N.C.G.S. §7A-34. Notices of secured leave must be filed with the local clerk's office and brought to the Family Court office no less than ninety (90) days before the requested dates and shall not include any dates where a hearing or deposition has already been scheduled. The Family Court office shall enter all properly filed notices of leave on the Family Court Calendar and shall not schedule a matter during an attorney's leave time.

## **RULE 2: TIME STANDARDS FOR FAMILY COURT CASES**

2.1 The North Carolina Family Court Advisory Committee has established a case management plan to aid in the just, fair, and timely resolution of cases filed. Unless otherwise specified, "days" are calendar days. In the event there is an inordinate time to perfect service of process, the time frames may be extended. The judge may also

## APPENDIX H:

District 15B

Local Rules for Civil Superior Court, Rule 25;  
Local Rules for Criminal Superior Court, Rule 18

## **Rule 2. Weapons in Court**

23.1 Pursuant to N.C.G.S. Sec. 14-415.11(c), and 14-269.4, no one except a Law Enforcement Officer who is on duty may possess firearms or other weapons in any Courthouse.

## **Rule 24. Sanctions**

24.1 Should counsel or a *pro se* litigant fail to comply in good faith with any provision of these Local Rules, or the General Rules of Practice for the Superior and District Courts, the Court may, in its discretion, impose appropriate sanctions. Sanctions may include those listed previously, but are not limited to those alone.

## **Rule 25. Vacation Policy**

25.1 Each attorney is entitled to designate three weeks during each calendar year as "vacation" during which time no matter requiring that attorney's appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.

25.2 Vacation period shall be designated 90 days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.

25.3 Designation shall be made by the attorney filing a letter in the offices of the Clerks of Superior Court of Orange and Chatham Counties as applicable. The offices of the Clerks of Superior Court for Judicial District 15B shall maintain a file containing letters from attorneys regarding vacation status. In addition, attorneys shall file a copy with the offices of the Senior Resident Superior Court Judge and the Chief District Court Judge if they practice in the respective division and depending upon "division" pendency of the case(s) referenced in the letter. Any pending civil case should be referenced. Also, any attorney practicing in the criminal courts should give a copy to the District Attorney. The attorneys shall retain a copy of the letter marked filed which may be provided to the judges and opposing counsel as needed.

25.4 This policy is not exclusive. For extraordinary circumstances, the court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

## **Rule 26. Mailing Address**

26.1 Requests for the setting of motions for hearing, cases for trial, and inquiries concerning these rules shall be addressed as follows:

Trial Court Coordinator

S.15B.17  
Rev. 10/98



**Rule 17. Weapons in Court**

- 17.1 No Weapons: Except as provided in N.C.G.S. Sec. 14-415.11(c), and 14-269.4, no one except a Law Enforcement Officer who is on duty may possess firearms or other weapons in any Courthouse.

**Rule 18. Secure Leave Policy**

- 18.1 Designation of Secure Leave: Each attorney is entitled to designate three weeks during each calendar year as secure leave during which time no matter requiring that attorney's appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.
- 18.2 Time to Designate: A secured leave period shall be designated 90 days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.
- 18.3 Method of Designation: Designation shall be made by the attorney filing a letter in the offices of the Clerks of Superior Court of Orange and Chatham Counties as applicable. The offices of the Clerks of Superior Court for Judicial District 15B shall maintain a file containing letters from attorneys regarding vacation status. In addition, attorneys shall file a copy with the offices of the Resident Superior Court Judges and the Chief District Court Judge if they practice in the respective division and depending upon "division" pendency of the case(s) referenced in the letter. Any pending criminal case should be referenced. Also, the attorney shall give a copy to the District Attorney. The attorneys shall retain a copy of the letter marked filed which may be provided to the judges and opposing counsel as needed. Any attorney practicing in the civil courts shall comply with 15B Local Civil Rule 25.
- 18.4 This policy is not exclusive: For extraordinary circumstances, the Court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

# APPENDIX I:

District 16B  
Local Rules of Civil Procedure, Rule 32

c) **Statements to Media.** An attorney should demonstrate respect for the legal system and for those who serve it, including judges, other attorneys, and public officials. When speaking to the media counsel should be ever mindful of the Rules of Professional Conduct, in particular Rules 3.6 and 8.2(a).

d) **Rulings of the Court.** Counsel should yield gracefully to rulings of the court and avoid detrimental remarks both in court and out. Counsel should at all times promote respect for the court. Rule 12, Rules of Practice; Rule 0.1 and Rule 8.2(a), Rules of Professional Conduct.

### **Rule 32. Secure Leave Periods for Attorneys.**

a) **Rules of Practice.** Secure leave periods for attorneys, including vacations, shall be governed by Rule 26 of the Rules of Practice.

b) **Unusual or Extraordinary Circumstances.** The policy and procedures described in the Rules of Practice are not exclusive. In unusual or extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the court. Attorneys shall also be able to make other requests to be excused from appearing before a tribunal for personal and other reasons. If the case has already been calendared for trial or motion, then the attorney, should move for a continuance pursuant to applicable rules or policies.

### **Rule 33. Medico-Legal Guidelines of North Carolina.**

a) **Policy.** The civil justice system operates more efficiently when the relationship between attorneys and physicians is based upon mutual respect, courtesy, and understanding.

b) **Rule.** The current version of the Medico-Legal Guidelines of North Carolina as adopted by the North Carolina Bar Association and the North Carolina Medical Society is hereby incorporated herein by reference.

c) **Conduct.** Attorneys shall be familiar with the Medico-Legal Guidelines and observe the provisions thereof when dealing with physicians.

### **Rule 34. Discipline of Attorneys.**

The court has inherent authority over attorneys to prevent or punish acts prejudicial to the administration of justice. *In re Burton*, 257 N.C. 534(1962). This authority extends to misconduct which does not occur in the context of litigation pending before the disciplining court. *See Id.* at p.544. The North Carolina State Bar's disciplinary authority over attorneys was granted by the North Carolina General Assembly. Chapter 84 of the General Statutes. The State Bar has concurrent authority with the court to discipline attorneys for unethical conduct. *In re Burton*,

## APPENDIX J:

District 19A  
Case Management Plan for Civil Superior Court, Rule  
12.7;  
Secure Leave Form

**12.7 Secured Leave.** Pursuant to Rule 26 of the General Rules of Practice for the Superior and District Courts, attorneys may designate periods of secure leave. Attorneys appearing in cases pending before the civil Superior Court of Cabarrus County must submit their Notice of Secure Leave (Appendix L) to the Clerk of Superior Court's office. It is not necessary to provide an additional copy to the SRSCJ or TCC, and doing so is disfavored. Notices of Secure Leave should be sent to the following Address:

Clerk of Superior Court  
Attn: Civil Division  
PO Box 70  
Concord, NC 28026

Secured leave designations are not filed in the court files and should not contain a case number. The TCC will enter the information into a database used to track periods of secure leave. While this provision relates to secured leave periods for lawyers involved in civil superior cases, it is also not necessary to provide forms to the SRSCJ or TCC related to criminal matters. The Clerk forwards all Notices of Secured Leave filed with him to the TCC. Of course, notice to the District Attorney should be provided as set forth in Rule 26 of the General Rules of Practice for the Superior and District Courts.

Policy and procedures described herein are not exclusive. In extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the Court when attorneys have been faced with particular or unusual situations. Furthermore, attorneys shall be able to make other requests to be excused from appearing before the Court for personal and professional reasons.

**12.8 Motions to Withdraw.** Motions to withdraw must include a certificate of service showing service on the client from whom representation is being withdrawn. The motion also must indicate whether all parties consent or if any party opposes the motion. The motion and proposed order must set forth the name and address of substitute counsel, or if not known, the current address of the party from whom representation is being withdrawn. No action will be taken on a motion and proposed order that does not include this information. If the motion to withdraw is granted, the withdrawing attorney must serve a copy of the signed order on the TCC.

**12.9 Guidelines for Resolving Scheduling Conflicts.** Rule 3.1 of the General Rules of Practice for the Superior and District Courts should be followed. Unless necessity requires, it is unacceptable for counsel to point out conflicts to the Court without providing the Court ample time to resolve the same. Rule 3.1(b) requires counsel to "promptly give written notice" when the attorney learns of a scheduling conflict.

**12.10 Conferences.** The Court welcomes the opportunity to conduct scheduling or pre-trial conferences when the parties think doing so would be helpful. To request a conference, either in court, in chambers, or by telephone, please contact the TCC by email. The Court also resolves the right to request conferences.

STATE OF NORTH CAROLINA  
CABARRUS COUNTY

IN THE GENERAL COURT OF JUSTICE

Attorney Name:		<b>SECURE LEAVE FORM</b>
Address:		
Telephone Number:		
State Bar Number:		
Notice: Secure Leave shall consist of one or more calendared weeks, but in any even shall not consist of more than three (3) calendared weeks during any calendar year.		
<b>Statement of Attorney</b>		
I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.		
I further certify that no action or proceeding in which I have entered an appearance has been scheduled, peremptorily set or noticed for trial hearing, deposition or other proceeding during the designated leave period.		
<b>Designated Secure Leave Dates</b>		
Indicate the dates you are noticing as Secure Leave Dates:		
Monday	Beginning Date:	Ending Date:
	Until Friday	
Indicate any previously designated Secure Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 and Rule 3A of the Rules of Appellate Procedure.		
Beginning Date(s):		Ending Date(s):
This Secure Leave Notification must be filed not later than ninety (90) days before the beginning of the secured leave period and before any trial, hearing, deposition or other matter has been regularly scheduled, peremptorily set or noticed for a time during the designated secure leave period.		
Date:		Attorney Signature
This form is required to be filed in each of the following offices if the attorney has entered an appearance of record as follows: (please check the offices filed.)		
<input type="checkbox"/> District Attorney (Criminal Cases)		<input type="checkbox"/> Clerk of Superior Court (All Cases)
<b>NOTICE TO ATTORNEY:</b> Should any matter be set during your Secure Leave Period, you are required to serve notice on the official calendaring the matter, and the parties of record to the matter. This Notice shall contain the following: (1) A copy of this form (2) The case number and name of case set (3) A certificate of service.		
Filing a Designation of Secured Leave with the Clerk of Superior Court is deemed sufficient notice to the Superior Court pursuant to Rule 26 of the Superior Court and District Court Rules.		

# APPENDIX K:

District 19C

Local Rules for District Court, Rule 11.5

prejudice. Notice may be in writing via letter, or by placing the case on a civil calendar.

#### **RULE 11: MISCELLANEOUS**

- 11.1 Unless an attorney's appearance in court for trial has been excused by the trial judge for good cause shown in advance and he/she has given notice to opposing attorney of record or unrepresented party, sanctions under these Rules may be considered.
- 11.2 An Order shall be due within twenty-one (21) days of the entry of (a) Memorandum of Judgment/Order or (b) of an oral announcement by a District Court Judge of the terms of an Order following a hearing. A particular attorney shall either take or be given responsibility for the typewritten Order.
- a) Forty-five (45) days after the Initial Memorandum or trial, a delinquent notice will go to the attorney responsible for the typewritten Order.
  - b) Sixty (60) days after the original Memorandum or trial, an Order to Show Cause will be issued and served on the responsible attorney requiring his appearance in Court before a District Court Judge for a Criminal/Civil contempt hearing. If the attorney is found to be in contempt for willful failure to complete the Order in the prescribed time limit, a fine up to Five Hundred (\$500.00) Dollars may be imposed upon that attorney.
- 11.3 In all cases where an Order is drawn pursuant to a Memorandum of Judgment/Order, a copy shall be attached for review by the judge when the Order is presented for signature.
- 11.4 All District Criminal Courts will begin at 9:00 a.m. and all District Civil Court will begin at 9:30 a.m.
- 11.5 All written designations of secure leave for attorneys shall comply with Rule 26 of the General Rules of Practice for the Superior and District Courts and shall be filed with the office of the Chief District Court Judge ninety (90) days in advance of the leave period.

#### **RULE 12 SANCTIONS**

- 12.1 Failure to comply with any section of these Rules shall subject an action to dismissal at the discretion of the presiding judge.
- 12.2 Sanctions may also include any set out in Rules 37 and 41 of the North Carolina Rules of Civil procedure.

This the \_\_\_\_\_ day of June, 2001.

\_\_\_\_\_  
ANNA MILLS WAGONER  
CHIEF DISTRICT COURT JUDGE



# APPENDIX L:

District 19D  
Court Rules and Case Management Plan for Civil  
Superior Court, Rule 1.11

When a case on any trial calendar has been settled, all attorneys of record shall notify the Trial Court Coordinator for the Senior Resident Superior Court Judge within 24 hours of the settlement and advise as to who will be responsible for the preparation of the judgment or other necessary closing documents. This judgment must be prepared and filed within 30 days of the date of settlement or the case will be considered for trial and placed on a future trial calendar by the Trial Court Coordinator.

**LOCAL RULE 1.9 - PRETRIAL CONFERENCES AND ORDERS IN CIVIL CASES**

There may be a pretrial conference in every civil case at which time a pretrial order will be submitted to the presiding judge. Upon its own motion or upon the request of any party, the court may dispense with or limit the scope of the pretrial conference.

**LOCAL RULE 1.10 - PRESENCE OF ATTORNEYS AT CIVIL CALENDAR CALL**

Attorneys must, consistent with ethical requirements, appear or have a partner, associate or another attorney familiar with the case appear for him/her at the call of the calendar at 10:00 A.M. (9:30 A.M. for administrative court), on the first day of the session and thereafter, as directed by the presiding judge. Unless an attorney has been excused in advance by the presiding judge or his/her designee and has given prior notice to his/her opponent, a case will not be continued due to the attorney's absence.

**LOCAL RULE 1.11 - SECURED LEAVE PERIODS FOR ATTORNEYS**

Attorneys must comply with Rule 26 of the General Rules of Practice for the Superior and District Courts governing secured leave.

**LOCAL RULE 1.12 - NON-JURY TRIAL CASES**

Non-jury trial cases shall be calendared in chronological order following the motion/add-on motion calendar but are subject to trial at any time during the session in the discretion of the presiding judge. Non-jury trial cases shall be calendared for Non-Jury Administrative Civil Superior terms of court unless otherwise ordered by the Senior Resident Superior Court Judge.

Any non-jury case on the trial calendar not reached for trial, during a term of court, will be rescheduled for a future term of court by the Trial Court Coordinator. It shall be the responsibility of the attorneys and unrepresented parties to monitor their new trial date. A published court calendar will be the only notification of the trial date.

## APPENDIX M:

District 20A

Case Management Plan for Superior Civil Cases, Rule 23;

Notice Of Secure Leave/CLE form

- any other matter that promotes the ends of justice.

*[The factors to be considered by the appropriate judicial official are set forth as guidelines to ensure consistent, rational decision making while not restricting a judge's inherent power to grant requests in the interest of justice.]*

#### **RULE 20 -- JUDICIAL DISTRICT 20-A SECURED LEAVE POLICY**

20.1 The policy and procedures set forth in Rule 26 of the General Rules of Practice for the Superior and District Courts are applicable with respect to these Local Rules, subject to the inherent power of the court to reschedule a case pursuant to subsection (l) of Rule 26.

This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the Bar as well as the quality of life of members of the profession and their families.

#### **RULE 21 -- COURTROOM FIREARMS POLICY**

21.1 In order to eliminate fear and apprehension by jurors, court personnel and the public; and further, to protect against the accidental discharge of a firearm, notice shall be given to the presiding judge of any firearm intended to be brought to the court facility and offered as evidence or otherwise utilized in courtroom proceedings. Such firearm may be brought into the court facility only upon the prior approval of the presiding judge, and then, only after screening by the appropriate law enforcement official(s). Such firearm shall remain in plain view at all times while in the courtroom and shall never be loaded, even by an expert. Such firearm shall always be equipped with a trigger lock or similar device, and shall never be pointed at anyone at any time. A firearm and ammunition for same shall not be given to a witness or jury at the same time and, once received into evidence, shall be in the care, custody and control of the courtroom clerk, subject to such further orders or directions as the presiding judge may deem appropriate.

#### **RULE 22 -- MEDIA COVERAGE**

22.1 Electronic media and still photograph coverage of public judicial proceedings shall be subject to the mandatory provisions of Rule 15 of the General Rules of Practice for the Superior and District Courts. To the extent that Rule 15 grants authority or discretion to the presiding judge, the presiding Superior Court Judge shall have such authority or discretion with respect to the proceedings over which he/she presides, including, without limitation, the authority to prohibit or terminate electronic media and still photography coverage of public judicial proceedings at any time. No electronic or still photography coverage of public judicial proceedings shall be permitted without the prior express approval of the presiding Superior Court Judge. Representative shall seek such approval well in advance of the proceedings to avoid impromptu "negotiations" between judges and other court officials and media representatives, and in no event shall such representatives seek prior approval less than 24 hours in advance of a scheduled hearing. As provided in rule 15, and to insure that a clear warning has been issued by the Court, all representatives of the media are hereby notified that coverage of the following types of Superior Court judicial proceedings is expressly prohibited: proceedings held before clerks of court, proceedings held before magistrates, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and *in camera*

STATE OF NORTH CAROLINA  
COUNTY OF STANLY

Form # 18  
IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
20A JUDICIAL DISTRICT

Attorney Name

Address

Telephone Number:

State Bar Number:

**Secure Leave/CLE Form**

Rule 26 - Rule 33A Rules of Appellate Procedure

Notice: Secure Leave shall consist of one or more calendared weeks, but in any event shall not consist of more than three (3) calendared weeks during any calendar year

**Statement of Attorney**

I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.

I further certify that no action or proceeding in which I have entered an appearance has been scheduled, Peremptorily set or noticed for trial hearing, deposition or other proceeding during the designated leave period.

**Designated Secure Leave Dates**

Indicate the dates you are noticing as Secure Leave Dates

Beginning Date

Ending Date

Indicate any previously designated Secure Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 and Rule 3A of the Rules of Appellate Procedure

Beginning Date

Ending Date

This Secure Leave Notification must be filed not later than ninety (90) days before the beginning of the secured leave period and before any trial hearing disposition or other matter has been regularly scheduled, peremptorily set or noticed for a time during the designated secure leave period.

Date

Attorney Signature

**Designated Continuing Education Dates**

Indicate the dates you are noticing as continuing Education dates.

Beginning Date

Ending Date

Date

Attorney Signature

**Offices Filed In**

This Form is required to be filed in each of the following offices if the attorney has entered an appearance of record as follows: (Please check the offices filed.)

☐ District Attorney

☐ District Court Judges Office

☐ Clerk of Superior Court

☐ Other: \_\_\_\_\_

NOTICE TO ATTORNEY: Should any matter be set during your Secure Leave Period, you are required to serve notice on the official calendaring the matter, and the parties of record to the matter. This Notice shall contain the following: (1) A copy of this form (2) The case number and name of case set (3) A certificate of service.

# APPENDIX N:

District 20B

Case Management Plan for Superior Civil Cases, Rule 19

## **RULE 19 - JUDICIAL DISTRICT 20-B SECURE LEAVE POLICY**

19.1 The policy and procedures described in Rule 26 of the General Rule of Practice for the Superior and District Courts are applicable with respect to these Rules, subject to the inherent power of the court to re-schedule a case as set forth in subsection (I) of the Rule. This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the Bar as well as the quality of life of members of the profession and their families.

## **RULE 20 - COURTROOM FIREARMS POLICY**

20.1 In order to eliminate fear and apprehension by jurors, court personnel and the public; and further, to protect against the accidental discharge of a firearm, notice shall be given to the presiding judge of any firearm intended to be brought to the court facility and offered as evidence or otherwise utilized in courtroom proceedings. Such firearm may be brought into the Judicial Center only upon the prior approval of the presiding judge, and then, only after screening by the appropriate law enforcement official(s). Such firearm shall remain in plain view at all times while in the courtroom and shall never be loaded, even by an expert. Such firearm shall always be equipped with a trigger lock or similar device, and shall never be pointed at anyone at any time. A firearm and ammunition for same shall not be given to a witness or jury at the same time and, once received into evidence, shall be in the care, custody and control of the courtroom clerk, subject to such further orders or directions as the presiding judge may deem appropriate.

## **RULE 21 - MEDIA COVERAGE**

21.1 Electronic media and still photography coverage of public judicial proceedings shall be subject to the mandatory provisions of Rule 15 of the General Rules of Practice for the Superior and District Courts. To the extent that Rule 15 grants authority or discretion to the presiding judge, the presiding Superior Court Judge shall have such authority or discretion with respect to the proceedings over which he/she presides, including, without limitation, the authority to prohibit or terminate electronic media and still photography coverage of public judicial proceedings at any time. **No electronic or still photography coverage of public judicial proceedings shall be permitted without the prior express approval of the presiding Superior Court Judge.** Representatives shall seek such approval well in advance of the proceedings to avoid impromptu "negotiations" between judges and other court officials and media representatives, and in no event shall such representatives seek prior approval less than 24 hours in advance of a scheduled hearing. As provided in Rule 15, and to insure that a clear warning has been issued by the Court, all representatives of the media are hereby notified that coverage of the following types of Superior Court judicial proceedings is expressly prohibited: proceedings held before clerks of court, proceedings held before magistrates, proceedings for the hearing of motions to suppress evidence, proceedings involving trade secrets, and *in camera* proceedings. As further provided in said Rule, and to insure that a clear warning has been issued by the Court, all representatives of the media are hereby notified that coverage of the

## APPENDIX O:

District 22A  
Local Rules of Practice for Civil Superior Court Cases,  
Rule 20



basis as determined by the North Carolina Dispute Resolution Commission (NCDRC), they request from the Senior Resident Superior Court Judge of Judicial District 22A to be put on the appointment list. Letters of request shall be mailed to the North Carolina Dispute Resolution Commission, Post Office Box 2448, Raleigh, North Carolina 27602. The Commission will then compile and furnish to the Senior Resident Superior Court Judge a list of those certified superior court mediators requesting appointment in Judicial District 22A.

- 18.6 **Will Caveats** (ref. G.S. § 31-33): Cases involving caveats to Wills shall be placed on the next available motions calendar for parties to be aligned, and motions to be addressed in accordance with Rule 16 of the North Carolina Rules of Civil Procedure. Caveats will subsequently be ordered into the mediation process and will not be placed on a trial calendar until a mediated settlement conference is conducted or the matter has been removed from mediation by order of the Court. It shall be the responsibility of the attorney for the caveator(s) to notify the Trial Court Coordinator of the filing of the case and the names and addresses of all parties or attorneys to whom correspondence should be sent.

#### **RULE 19 -- OBLIGATIONS OF ATTORNEYS AND PRO SE (UNREPRESENTED) PARTIES**

- 19.1 It is expected that all attorneys of record or *pro se* (unrepresented) parties with cases calendared for motion or trial will be present at the convening of court for the calendar call and will remain in the courtroom or its immediate proximity unless excused by the Judge Presiding.
- 19.2 The only legitimate excuses for not being in court when a case is calendared are those that are of unexpected or urgent need, such as serious illness, death, or conflicts with other courts.
- 19.3 In the rare event that absence from court becomes a necessity, attorneys of record and *pro se* (unrepresented) parties must notify the appropriate judicial official to avoid last minute calendaring issues. Absences in civil superior court must be reported to the Trial Court Coordinator. Conflicts with other courts must be resolved in accordance with Rule 3.1, Guidelines for Resolving Scheduling Conflicts, of the North Carolina General Rules of Practice.
- 19.4 With the exception of unexpected and urgent emergencies, attorneys and *pro se* (unrepresented) parties must exercise due diligence in providing written notification to opposing counsel, the Clerk of all courts, and the appropriate judges in accordance with Rule 3.1, Guidelines for Resolving Scheduling Conflicts, of the North Carolina General Rules of Practice.
- 19.5 Attorneys residing outside of Judicial District 22A who accept employment to represent clients in Judicial District 22A must arrange their schedules to be present when their cases are calendared. Conflicts must be worked out with the Trial Court Coordinator and the Senior Resident Superior Court Judge before the case is calendared for trial and the calendar published.
- 19.6 Electronic and telephonic appearances at civil superior court proceedings by attorneys, parties, and witnesses are not permitted.
- 19.7 To avoid conveying an impression and attitude of partiality, attorneys, witnesses, and other officers of the court shall not congregate in judges' chambers or in hallways immediately outside of the courtrooms and chambers.

#### **RULE 20 -- DESIGNATION OF SECURE LEAVE**

Designations of secure leave must be in accordance with Rule 26 of the General Rules of Practice for the Superior and District Courts as amended by the North Carolina Supreme Court:  
(<http://www.aoc.state.nc.us/www/public/aoc/rule26.htm>).

- 20.1 Attorneys may designate three weeks each calendar year as secure leave during which time they shall not be required to appear before the Superior Court in Judicial District 22A. A secure leave period shall consist of one or more complete calendar weeks beginning on Monday and ending on Friday.
- 20.2 Each attorney practicing in Judicial District 22A may secure leave either consecutively or at intervals. Notice must be provided 90 days or more in advance of such vacation periods, must include information as noted in Rule 26, and shall not conflict with a trial or other matter which has already been set by a Judge Presiding. Thus, the designation of a secure leave period shall precede such setting of trials and other matters, and the attorney may be assured that the designated time shall be available for vacation periods.
- 20.3 Attorneys may designate periods of secure leave by providing a letter to the Trial Court Coordinator and the District Attorney designating such weeks. The Trial Court Coordinator shall maintain a record of when such letters are received and the periods of leave secured.
- 20.4 The policy and procedures described herein are not exclusive. In extraordinary circumstances, the time limitations for notification of designated weeks may be waived by the Court as has been done in the past when attorneys have been faced with particular or unusual situations – and further, attorneys shall be able to make other requests to be excused from appearing before a tribunal for personal and other reasons as has been the custom in the past.

This policy is adopted in recognition of the need for time away from the demands of professional responsibilities to improve the overall professional performance of the bar as well as the quality of life of members of the profession and their families, and this policy is adopted for that purpose. It may be modified or amended by the Senior Resident Superior Court Judge by subsequent modification orders.

#### **RULE 21 – ADMISSION / SWEARING IN OF ATTORNEYS**

- 21.1 Candidates who successfully pass the North Carolina Bar Exam are eligible to take the oath of office as an attorney at law. The oath of office must be administered in open court by either a district court judge or superior court judge. Judicial District 22A requires the presentation of the license to practice law in North Carolina or a letter from the North Carolina Board of Law Examiners giving notice of admission to the North Carolina State Bar, along with two copies of the oath of office form. The oath of office form is included with the law license mailed from the North Carolina Board of Law Examiners. It may also be downloaded and printed directly from the State Bar website and is listed on the Forms page under the "Membership" heading.
- 21.2 Candidates must contact the Office of the Senior Resident Superior Court Judge or Chief District Court Judge to arrange a ceremony time. Please note that appropriate court attire is required for this ceremony. Additionally, although not required by statute, it is the preference of the resident judges and the responsibility of the candidate to secure a member of the bar in Judicial District 22A who will provide introduction of the candidate to the Court.

APPENDIX P:

District 26  
Civil District Court Rules, Rule 23;  
Local Form CCF27

**RULE 23. SUBMISSION OF SECURE LEAVE AND RELIGIOUS HOLIDAYS**

**23.1 Submission of Form to Court:** When submitting a Secure Leave for General Civil Court cases, the Secure Leave shall be submitted on Local Form CCF-27. The form shall be sent to the following address:

Attention: Secure Leave  
Caseflow Management Division/TCA  
832 East Fourth Street, Suite 3420  
Charlotte, NC 28202

If the Secure Leave form is hand-delivered, the form shall be taken to the above address and placed in the box marked "Secure Leave." Only one form is required—it need not be submitted to each case coordinator in the Caseflow Management Division or to the Trial Court Administrator or the Judges' Office.

All other elements to Rule 26 of the General Rules of Practice shall be followed by the submitting party. This rule does not apply to cases in the Criminal Court, before the Clerk of Superior Court, or involving Family Law.

**23.2 Receipt and Entry in the Database:** The leave form will be stamped as "Received" by the Caseflow Management Division. The leave will be entered for each case in the database that contains the name of the listed attorney.

**23.3 Other Requirements:**

- (a) The submitting party shall include the original secure leave form and one copy with a self-addressed, postage-paid envelope if a return copy is desired.
- (b) The secured leave form should be submitted no sooner or no later than 90 days prior to the secured leave start date.
- (c) It is the individual attorney's responsibility to make sure the court calendars are free of hearing or trial dates during the requested secure leave.

**23.4 Religious Holidays:** In the discretion of the presiding judge, efforts shall be made to accommodate parties and counsel in their observance of religious holidays in connection with the scheduling of cases.

## STATE OF NORTH CAROLINA

## IN THE GENERAL COURT OF JUSTICE

## COUNTY OF MECKLENBURG

Attorney Name		<b>SECURE LEAVE FORM</b>	
Address			
Telephone Number			
State Bar Number			
Rule 26.- Rule 33A Rules of Appellate Procedure			
Notice: Secure Leave shall consist of one or more calendared weeks, but in any event shall not consist of more than three (3) calendared weeks during any calendar year.			
		Statement of Attorney	
I hereby certify that the secure leave period designated below is not being designated for the purpose of delaying, hindering or interfering with the timely disposition of any matter in any pending action or proceeding.			
I further certify that no action or proceeding in which I have entered an appearance has been scheduled, Peremptorily set or noticed for trial hearing, deposition or other proceeding during the designated leave period.			
		Designated Secure Leave Dates	
Indicate the dates you are noticing as Secure Leave Dates			
Monday	Beginning Date	Until Friday	Ending Date
Indicate any previously designated Secure Leave periods during the current calendar year that have previously been designated pursuant to Rule 26 and Rule 3A of the Rules of Appellate Procedure:			
	Beginning Date	Ending Date	
This Secure Leave Notification must be filed not later than ninety (90) days before the beginning of the secured leave period and before any trial, hearing deposition or other matter has been regularly scheduled, peremptorily set or noticed for a time during the designated secure leave period.			
Date		Attorney Signature	
This form is required to be filed in each of the following offices if the attorney has entered an appearance of record as follows: (please check the offices filed.)			
<input type="checkbox"/> District Attorney [Criminal cases]		<input type="checkbox"/> TCA - Caseflow Management Division [Civil cases]	
<input type="checkbox"/> Clerk of Superior Court [Special Proceeding/Estate cases]		<input type="checkbox"/> TCA - Family Court Director [Domestic/Juvenile cases]	
NOTICE TO ATTORNEY: Should any matter be set during your Secure Leave Period, you are required to service notice on the official calendaring the matter, and the parties of record to the matter. This Notice shall contain the following: (1) A copy of this form (2) The case number and name of case set (3) A certificate of service.			

# APPENDIX Q:

District 28

Family Court Domestic Rules, Rule 3.2

- 3.2 **Attorney Vacation Policy.** The vacation policy of the 28th Judicial District Family Court shall be the same policy as set forth in N.C.G.S. §7A-34, Rule 26. This policy was adopted in recognition of the heightened level of professionalism that an attorney is able to provide when the attorney enjoys periods of time that are free from the demands of professional responsibility as well as to enhance the overall quality of the attorney's personal and family life.
- 3.3 **Pro se Litigants/Contact Information.** Although no party is required to have an attorney, a party who is not represented by legal counsel must follow all Court Rules, including these Local Rules, and is presumed to know and understand them. It is the responsibility of each *pro se* litigant to keep the Family Court Office informed at all times of his or her current mailing address, email address, telephone number and fax number, if any, as well as any changes thereto.
- 3.4 **Withdrawal of Attorneys.** When an attorney files a Motion to Withdraw, he or she shall provide the complete last known address of his or her client in the Order of Withdrawal. An attorney who has made an appearance in a case is the attorney of record until such time as the Court enters an order allowing withdrawal.

#### **RULE 4: CASE FILINGS AND JUDICIAL ASSIGNMENT**

- 4.1 **Commencement of Family Court Domestic Actions.** All domestic cases shall be commenced by filing a Complaint with the Clerk. All initial actions, except for IV-D and U.I.F.S.A., shall be accompanied by an AOC Cover Sheet (Form AOC-CV-750). The Clerk will assign a case number at the time of the initial filing and place the number on the Complaint and/or Motion and the Summons. All subsequent pleadings and papers filed with the Clerk shall contain the assigned case number as well as the assigned Judge, if applicable.
- 4.2 **Form 1.** All new domestic cases, except for simple absolute divorces, IV-D, and U.I.F.S.A., shall be accompanied by a Notice of Hearing and Judicial Assignment (Form 1). This form shall indicate whether there is any pending or resolved domestic, domestic violence, or juvenile case involving the same family members or issues as the case being filed. Attorneys filing an action must obtain this information from their client and provide it on Form 1. Failure to truthfully provide this information may result in sanctions allowed by law and deemed appropriate by the Chief District Court or assigned Judge. A Form 1 shall also accompany any subsequently filed pleadings which require or request a hearing.
- 4.3 **Judicial Assignment.** All new domestic cases that require a Form 1 as set forth above shall be assigned to a Family Court Judge by Family Court staff on a rotation basis at the time of filing, except if there is or has been a prior case involving the same parties with other family issues, then those cases shall be assigned to the Judge who was assigned to the prior case, whenever possible. All subsequent pleadings shall contain the Judge's name as well as the assigned case number. All subsequent motions, hearings and trials, including ex parte and emergency matters, shall be scheduled before the assigned Judge whenever possible.

# APPENDIX R:

District 29B

Local Rules of Civil Procedure, Rule 1.4



**LOCAL RULES OF CIVIL PROCEDURE FOR THE  
SUPERIOR COURT  
JUDICIAL DISTRICT 29B  
Effective January 1, 2008**

Pursuant to the authority granted to the Senior Resident Superior Court Judge by the North Carolina General Statutes and the North Carolina Rules of Civil Procedure and General Rules of Practice (hereinafter N.C. Rules), the following Local Rules of Civil Procedure are hereby established. All those having business in the Superior Court of Judicial District 29B are responsible for knowledge of and compliance with the N.C. Rules and the Local Rules. These Rules should be interpreted to be consistent with all rules promulgated by the North Carolina Supreme Court.

**RULE 1: GENERAL RULES**

1.1 Responsibility for carrying out this Case Management Plan is assigned to the Office of the Trial Court Coordinator (TCC). All communications concerning civil matters should be addressed to the TCC, whose office is located in the Henderson County Courthouse. The mailing address is 200 North Grove St., Hendersonville, NC 28792, the telephone number is (828) 694-4230, and the facsimile number is (828) 694-4229. E-mail address is Daphne.P.Carland@nccourts.org.

1.2 For the purpose of these rules, except where otherwise specified, the term "Court" shall mean the Senior Resident Superior Court Judge.

**1.3 Appearance of Counsel/Withdrawal of Counsel**

A. An attorney must file a written Notice of Appearance with the Clerk of Superior Court immediately after agreeing to represent a party in a civil matter, and shall serve a copy upon each counsel of record, unrepresented party and the TCC as prescribed in the N.C. Rules. The notice shall indicate the name(s) of a specific attorney(s), not merely the name of a law firm. An attorney who files a suit for a plaintiff or who files a timely answer or other responsive pleading for a defendant need not file a Notice of Appearance. However, if a plaintiff or defendant adds or changes attorneys, new counsel shall file said notice. No trial will be continued if an attorney does not receive a calendar due to a failure to comply with this rule.

B. Motions to withdraw as counsel of record in civil cases more than six months old generally will not be allowed unless (1) opposing counsel consents, in writing, and (2) the client is in agreement and has signed a statement to be included with the motion and/or consent order. In the statement, the client must (1) acknowledge that he or she does not object to the attorney's withdrawal; (2) state that he or she understands the attorney's withdrawal will not be grounds for delaying any hearing, settlement conference or trial date; and (3) provide his or her current mailing address. Motions meeting the above criteria shall be sent to the TCC who shall submit them to the Senior Resident Superior Court Judge for consideration in Chambers. Motions not meeting each of the criteria will be scheduled for a hearing at the first available civil session in the Judicial District.

**1.4 Secure leave.**

A. Rule 26 of the General Rules of Practice for the Superior and District Courts is designed to guarantee attorneys up to three calendar weeks of uninterrupted vacation, and the requirements of that Rule will be strictly interpreted and applied.

B. The provisions of Rule 26 shall be available to *pro se* litigants as well as attorneys.

- C. Because the Scheduling Order in Local Rule 3 will establish trial dates as much as a year in advance, counsel who find themselves in apparent violation of Section D(5) of Rule 26 should notify the TCC immediately upon learning of conflicts so reasonable accommodations can be made.

1.5 In accord with Rule 12(a)(1) and Rule 6(b) of the N.C. Rules, no attorney, party appearing *pro se*, or Clerk of Superior Court shall consent to an extension of time to file answer or other responsible pleading beyond the 30 additional days allowed by Rule 6(b) of the Rules of Civil Procedure. Application for extension of time beyond the first additional 30 days shall be made to the Senior Resident Superior Court Judge pursuant to the provisions of Rule 6(b).

1.6 All sessions of Superior Court shall be "mixed" with the priority to be determined by the Senior Resident Superior Court Judge. Court shall convene on the first day at 10 a.m., whether the first day is Monday or a later day in the week. Subsequent trial days will begin at 9:30 a.m., unless otherwise ordered by the Presiding Judge. Calendar call will be held on the first day of the session and will ordinarily be the first order of business.

#### 1.7 Administrative Disposition

The following types of cases are considered to not be pending for trial. Cases in these categories will be eligible for removal by order, without prejudice, from the list of pending cases:

- A. Cases in bankruptcy (unless relief from the stay has been granted);
- B. Defendants making payments;
- C. Service not made and time for service expired;
- D. Cases inactive for any other reason.

#### **RULE 2: READY CASES**

2.1 A case shall be considered ready to set for trial when one of the following has occurred:

- A. Service on all parties has been perfected and the time for filing answers has expired with regard to all parties.
- B. It has been transferred by, or appealed from, the Clerk of Superior Court.
- C. It has been remanded for trial by the Court of Appeals or Supreme Court.
- D. It is entitled to a priority hearing by statute.

2.2 Counsel for the appellant shall notify the TCC, in writing, of the transfer, appeal, remand or priority status of any case described in Local Rules 2.1(B), 2.1(C) or 2.1(D). Said notification shall include all names and addresses of affected parties or other counsel.

2.3 Upon the filing of a caveat to a will, the Clerk of Superior Court shall contact the TCC to determine the next available date for the parties to appear in Court and align themselves. Notice of the proceeding shall be issued to all devisees, legatees and others as provided in G.S. 31-33. Upon the conclusion of the proceeding to align parties, the TCC shall issue a Scheduling Order as described in Rule 3.

# APPENDIX S:

District 30B

Local Rules for Civil Superior Court, Rule 28

## **Rule 28. Secure Leave Policy**

- 28.1 Designation of Secure Leave: Each attorney is entitled to designate three weeks during each calendar year as secure leave during which time no matter requiring that attorney's appearance shall be calendared for hearing in any court in this District and the attorney shall not otherwise be required to appear before any tribunal of this District. The weeks designated may be consecutive.
- 28.2 Time to Designate: A secured leave period shall be designated 90 calendar days or more in advance. Attorneys shall not be entitled to designate a period subsequent to a trial or other matter having already been set by a Court.
- 28.3 Method of Designation: Designation shall be made by the attorney by filing a letter in the offices of the Senior Resident Superior Court Judge in each county in which the attorney has pending matters and the Chief District Court Judge if they practice in the respective division and depending upon "division" pendency of the case(s) referenced in the letter. Any pending civil case should be referenced. The attorneys shall retain a copy of the letter which may be provided to the Court and opposing counsel as needed.
- 28.4 This policy is not exclusive: For extraordinary circumstances, the Court may designate other or additional weeks of vacation when an attorney is faced with a particular or unusual situation or for other reasons as has been the custom in this District.

## **Rule 29. Court Reporter**

- 29.1 In every instance it will be up to the attorney to request that the Court Reporter record any opening or closing statements. Absent the request by attorneys opening and closing statements shall not be recorded.
- 29.2 The Court Reporter will not record motions unless the attorney requests, in writing, recordation of motions and the written request is provided to the Court Reporter prior to the commencement of the hearing. (30B Local Civil Form 6).

## **Rule 30. Mailing Address**

- 30.1 Mailing Addresses: The Judicial Assistant (JA) is Erin R. Morrison. Requests for the setting of motions for hearing, cases for trial, and inquiries concerning these rules shall be addressed as follows:

Superior Court Judges' Office  
Judicial Assistant  
285 N. Main Street, Suite 3300  
Waynesville, NC 28786  
Tel. (828) 454-6512  
Fax (828) 454-6490  
Email [Erin.R.Morrison@nccourts.org](mailto:Erin.R.Morrison@nccourts.org)

*District 30B Local Civil Rules*

*Effective January 1, 2013*

*Page 22 of 23*